

## CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing.  
 (Only for Continuation or Divisional applications under 37 CFR 1.53(d))

CHECK BOX, if applicable:

☒ **DUPLICATE**

Address to:

Assistant Commissioner for Patents  
 Box CPA  
 Washington, DC 20231

Attorney Docket No.	615-25A
First Named Inventor	HELM ET AL.
Examiner Name	Ron Schwadron P.A.D.
Group / Art Unit	1644
Express Mail Label No.	EL117197755US

This is a request for a ☒ continuation or ☐ divisional application under 37 C.F.R. § 1.53(d),  
 (continued prosecution application (CPA)) of prior application number 09 / 33,766,  
 filed on 8/12/98, entitled ALLERGEN INFLAMMATORY TESTING AND DIAGNOSIS

### NOTES

**FILING QUALIFICATIONS:** The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 C.F.R. § 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. A Notice will be placed on a patent issuing from a CPA, except for reissues and designs, to the effect that the patent issued on a CPA and is subject to the twenty-year patent term provisions of 35 U.S.C. § 154(a)(2). Therefore, the prior application of a CPA may have been filed before, on or after June 8, 1995.

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 C.F.R. § 1.53(d), but must be filed under 37 C.F.R. § 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 C.F.R. § 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 C.F.R. § 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 C.F.R. § 1.78(a).

1. ☐ Enter the unentered amendment previously filed on \_\_\_\_\_  
 under 37 C.F.R. § 1.116 in the prior nonprovisional application.
2. ☐ A preliminary amendment is enclosed.
3. This application is filed by fewer than all the inventors named in the prior application, 37 C.F.R. § 1.53 (d)(4).
  - a. ☐ **DELETE** the following inventor(s) named in the prior nonprovisional application:  
 \_\_\_\_\_
  - b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4. ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
5. Information Disclosure Statement (IDS) is enclosed:
  - a. ☐ PTO-1449
  - b. ☐ Copies of IDS Citations

[Page 1 of 2]

**Burden Hour Statement:** This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO:** Assistant Commissioner for Patents, Box CPA, Washington, DC 20231.

CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
TOTAL CLAIMS (37 C.F.R. § 1.16(c) or (d))	9	-20* =	0	x \$ 9.00 =	\$ 0
INDEPENDENT CLAIMS (37 C.F.R. § 1.16(b) or (d))	2	-3** =	0	x \$ 39.00 =	0
MULTIPLE DEPENDENT CLAIMS (if applicable) (37 C.F.R. § 1.16(d))				+ \$ _____ =	
				BASIC FEE (37 C.F.R. § 1.16)	\$ 760.00
				Total of above Calculations =	\$ 760.00
Reduction by 50% for filing by small entity (Note 37 C.F.R. §§ 1.9, 1.27 & 1.28).					\$ 380.00
* Release claims in excess of 20 and over original patent. ** Release independent claims over original patent.				TOTAL =	\$ 380.00

6. Small entity status:

- a. ☐ A small entity statement is enclosed, if (b) and (c) do not apply.  
b. ☒ A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.  
c. ☐ Is no longer claimed.

7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 07 - 0130:

- a. ☒ Fees required under 37 C.F.R. § 1.16.  
b. ☒ Fees required under 37 C.F.R. § 1.17.  
c. ☐ Fees required under 37 C.F.R. § 1.18.

8. ☒ A check in the amount of \$ 815.00 is enclosed. (which includes \$435 for 3 month EOT)

9. ☒ Other: EXTENSION OF TIME

**NOTE:**

The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below.

10. NEW CORRESPONDENCE ADDRESS

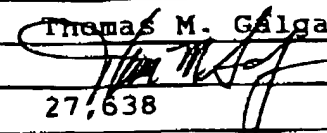
☐ Customer Number or Bar Code Label

or ☐ New correspondence address below

(Insert Customer No. or Attach bar code label here)

Name	Thomas M. Galgano, Esq.				
	Galgano & Burke				
Address	300 Rabro Drive, Suite 135				
City	Häuppauge	State	New York	Zip Code	11788
Country	U.S.A.	Telephone	516.582.6161	Fax	516.582.6191

11. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Thomas M. Galgano, Esq.
Signature	
Registration No. (Attorney/Agent)	27,638
Date	11/18/99

RECEIVED BY U.S. PATENT AND TRADEMARK OFFICE  
 615-25 (A)

DOCKET  
 APPLICATION  
 TITLE

HELM ET AL.  
 ALLERGEN INFLAMMATORY TESTING AND  
 DIAGNOSIS

SERIAL NO.

09/133,766

FILED  
 PAPERS SENT

AUGUST 12, 1998  
 CONTINUED PROSECUTION APPLICATION  
 REQUEST TRANSMITTAL FORM IN DUPLICATE,  
 REQUEST FOR EXTENSION OF TIME, CHECK  
 REQUEST FOR EXTENSION OF \$815.00, EXPRESS MAIL  
 IN THE AMOUNT OF \$815.00, EXPRESS MAIL  
 CERTIFICATION NO. E4117197755USPOSTCARD

Sent: November 18, 1999  
 Due: November 18, 1999

/ 1998



DANIEL P. BURKE  
THOMAS M. GALGANO

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**FACSIMILE COVER PAGE**

DATE: January 12, 2000

PLEASE DELIVER THE FOLLOWING PAGES

TO: Examiner R. Schwadron - U.S. Patent and Trademark Office

FAX NO.: 1.703.305.7401

FROM: Joanne G. Grant - GALGANO & BURKE

RE: Helm et al. Serial NO. 09/133,766 (Our Docket No. 615-25(A))

TOTAL NO. OF PAGES, INCLUDING FAX COVER SHEET: 5

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